

To: Patterson, Leslie[patterson.leslie@epa.gov]
From: Smith, Madelyn
Sent: Tue 12/17/2013 8:49:16 PM
Subject: SDD&L - Valley Asphalt Silos
OAC 3745-27-13 Solid Waste Rule.pdf

Leslie,

I have followed up with the Division of Solid Waste, DERR legal, and my supervisor on this issue:

Before we get into their response, I think we should discuss whether or not Valley Asphalt building these silos is a good idea in relation to the RI/FS work that still needs to be done and how it will affect the remedy. A remedy has not been selected for the area – we may run into issues if Valley Asphalt invests in these new silos and later it is decided that the businesses can't safely remain on site. If we give Valley Asphalt the green light to build these silos, we may have inadvertently picked a remedy (the one that allows the business to remain on the landfill). In the least, I think we should make sure Valley Asphalt understands that a remedy hasn't been selected yet and there is still a possibility that the businesses can't remain on the landfill. They may want to postpone any building plans until a remedy has been selected. In addition, can these silos be built in a way that is protective of human health and safety and the environment? There may be buried waste in the vicinity of the new silos/under the footprint of the old silos, explosive levels of methane have built up under buildings all around Valley Asphalt, and we are still unsure where drums are buried on the property. I think we should proceed with caution in this decision as these silos can have an impact on the selection of the remedy and the work that still needs to be done to delineate the extent of buried drums on Valley Asphalt.

If we decide that Valley Asphalt can construct the new silos, Valley Asphalt would need to comply with Ohio Administrative Code 3745-27-13 (more commonly referred to as Rule 13, attached). Rule 13, is triggered any time someone fills, grades, excavates, builds, drill, or mines on a landfill. Under Rule 13, South Dayton Dump falls under section D(1) and Valley Asphalt would be required to submit an application for approval from the Director of Ohio EPA. Documents required for submittal, as appropriate, are outlined under paragraph (E) of the rule. Because the landfill is a Superfund site and there is much work still to be done regarding the RI/FS and remedy selection, Ohio EPA believes it is appropriate for USEPA to evaluate Valley Asphalt's request to construct the silos. There are provisions under Rule 13 (Paragraphs (E) and (K)) that allow the director to request any additional information or to impose special terms and conditions upon Valley Asphalt as appropriate or necessary to ensure compliance with all applicable laws and regulations administered by the director, and to ensure protection of public health and safety and the environment. If we conclude that it is OK for Valley Asphalt to move

ahead with the silo construction, at a minimum Ohio EPA would require that Valley Asphalt consult with USEPA and ultimately seek USEPA's approval as a condition of the director's authorization.

Have a look at what is required to be submitted under paragraph E of the rule. If we come to the conclusion that the silos can be constructed, we will need to identify any additional information/provisions we feel are needed to address circumstances that are unique to the site so as to ensure the silos are constructed in a way that is protective of human health and safety and the environment. For example, we may want to ensure that the silos are constructed in a manner that will facilitate the sealing of the specialty asphalt cap to the concrete base.

Please give me a call and we can discuss this further,

Maddie

Madelyn Smith

Site Coordinator – Ohio EPA, Southwest District Office

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***Ohio EPA's email addresses are changing. Please update your contact information to the new extension @epa.ohio.gov*

From: Smith, Madelyn

Sent: Tuesday, December 10, 2013 11:35 AM
To: 'Patterson, Leslie'
Subject: RE: Valley Asphalt silos

Leslie,

I am looking into this issue and will get back to you ASAP.

Maddie

From: Patterson, Leslie [<mailto:patterson.leslie@epa.gov>]
Sent: Tuesday, December 10, 2013 11:10 AM
To: Smith, Madelyn
Subject: Valley Asphalt silos

Hi Maddie,

Do you or your landfill people have any issues with the silo replacement and use of driven piles at Valley?

Leslie Patterson

Remedial Project Manager

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